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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,755	06/19/2001	H. Brock Kolls	USA-010	2839

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H. BROCK KOLLS  
USA TECHNOLOGIES, INC.  
DEPT. IP  
200 PLANT AVE.  
WAYNE, PA 19087

EXAMINER

TRAN, KHOI H

ART UNIT	PAPER NUMBER
3651	

DATE MAILED: 09/30/2002

4P

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> 09/884,755  <b>Examiner</b> Khoi H Tran	<b>Applicant(s)</b> KOLLS, H. BROCK

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### **Status**

- 1) Responsive to communication(s) filed on 19 June 2001.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 17-30 is/are allowed.
- 6) Claim(s) 1-13 and 16 is/are rejected.
- 7) Claim(s) 14 and 15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### **Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 4) Interview Summary (PTO-413) Paper No(s). 9/25/01.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-8, 10-12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. 5959869.

Miller '869 discloses an audit-credit-interactive system interconnecting to a vending machine per claimed invention comprising: a micro-controller (201, figure 1); a vending machine interface interconnecting to a multi-drop-bus (MDB 222); an interactive interface interconnected with the micro-controller for interfacing the audit-credit-interactive system to a computing platform having a network communication card/module and interface; a modem interface.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3651

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. 5,959,869 in view of Konsmo et al. 5,844,808.

Miller '869 discloses all limitations per claimed invention as explained in paragraph 3 above. However, Miller is silent as to the specific of the communication port being one of an RS232 or RS485 ports.

Konsmo '808 discloses a monitoring system for a vending network. Konsmo teaches that serial port RS232 is used for interfacing a peripheral device to the micro-controller for communication therebetween.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided Miller communication with an RS232 type port because it provides a communication channel between the micro-controller and the connected peripheral device, as taught by Konsmo.

5. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. 5,959,869 in view of Defosse 6,457,038.

Miller '869 discloses all limitations per claimed invention as explained in paragraph 3 above. However, Miller is silent as to the specific of the network interface is an ethernet interface or an firewire interface.

Defosse discloses a vending system which uses an Ethernet network.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided Miller network interface with an Ethernet

network interface because it facilitates the connection of Miller's vending system to an Ethernet network, as taught by Defosse.

***Allowable Subject Matter***

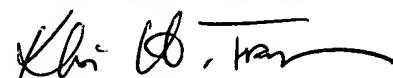
6. Claim 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 17-30 are allowable over the prior art of record.

***Conclusion***

8. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO form 892.
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and 7033057687 for After Final communications.



Khoi H Tran  
Examiner  
Art Unit 3651

KHT  
September 25, 2002